

THIRD DAY.

(Thursday, February 28, 1918.)

The House met at 10 o'clock a. m.
pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following
members were present:

Atlee.	McDowra.
Bass.	McFarland.
Beard.	McMillin.
Beasley.	Mathis.
Beason.	Mendell.
Bedell.	Metcalfe.
Bennette.	Miller of Austin.
Bertram.	Miller of Dallas.
Blackburn.	Monday.
Blackmon.	Moore.
Bland.	Morris.
Bledsoe.	Murphy.
Brown.	Murrell.
Bryan.	Neill.
Burton of Rusk.	Nordhaus.
Burton of Tarrant.	O'Banion.
Butler.	O'Brien.
Cadenhead.	Osborne.
Carlock.	Peyton.
Cates.	Pillow.
Clark.	Poage.
Cope.	Raiden.
Cox of Bee.	Reeves.
Cox of Ellis.	Richards.
Davis of Dallas.	Roemer.
Davis of Harris.	Rogers.
Davis	Sackett.
of Van Zandt.	Sallas.
De Bogory.	Sentell.
Denton.	Schlesinger.
Dodd.	Schlosshan.
Dudley.	Seawright.
Dunnam.	Smith of Bastrop.
Estes.	Smith of Hopkins.
Fairchild.	Smith of Scurry.
Fly.	Spencer.
Ford.	Spradley.
Greenwood.	Sneed.
Haidusek.	Stewart.
Hardey.	Stephens.
Harris.	Swope.
Hill.	Taylor.
Holland.	Templeton.
Holaday.	Terrell.
Johnson of Blanco.	Thomason
Johnson of Ellis.	of El Paso.
Jones.	Thomason
King.	of Nacogdoches.
Laas.	Thompson
Lackey.	of Hunt.
Lange.	Tillotson.
Lanier.	Tilson.
Lee.	Tinner.
Lindemann.	Upchurch.
McComb.	Vaughan.
McCord.	Veatch.
McCoy.	Wahrmund.

White.
Williford.

Woods.
Yantis.

Absent.

Bagby.	Strayhorn.
Canales.	Valentine.
Davis of Grimes.	Williams
Lacey.	of Brazoria.
Sholars.	

Absent—Excused.

Baker.	Robertson.
Bell.	Thomas.
Crudgington.	Thompson
Hudspeth.	of Red River.
Laney.	Traylor.
Lowe.	Walker.
Meador.	Williams
Parks.	of McLennan.
Pope.	Wilson.

The Speaker announced a quorum
present.

Prayer was then offered by Dr. C. S.
Wright of the First Methodist Church
of Austin.

LEAVES OF ABSENCE GRANTED.

The following members were granted
leaves of absence on account of impor-
tant business:

Mr. Crudgington, indefinitely, and Mr.
Beason for yesterday, on motion of Mr.
Smith of Scurry.

Mr. Thomas for today and tomorrow,
on motion of Mr. Spencer.

On motion of Mr. Spradley, Mr. Bell
was excused indefinitely on account of
sickness.

Mr. Thompson of Red River, indefi-
nitely, on motion of Mr. McCoy.

HOUSE BILLS ON FIRST READING.

The following House bills introduced
today, were laid before the House, read
severally first time and referred to the
appropriate committees, as follows:

By Mr. O'Brien:

H. B. No. 19, A bill to be entitled
"An Act authorizing the creation and
establishment of water control and pre-
servation districts for the control and
preservation of the purity of the waters
of rivers, creeks, bayous, lakes, canals,
streams or other waters, for irrigation
or in aid thereof, by the prevention of
the inflow of salt water or other dele-
terious substances; the changing of said
waters from salt to fresh water and
the impounding of fresh water; em-
powering such districts to erect, con-
struct, maintain, repair and reconstruct

dams, bulkheads, jetties, locks, gates or any other character of improvements necessary to the accomplishment of said purposes, or any of them; creating boards of water control and preservation where the lands embraced in such districts lie in two or more counties, or parts of counties, and defining the power of such boards of water control and preservation; providing for the method of establishment of such districts; authorizing the ordering and holding of elections for the purpose of voting on the establishment of such districts, and the issuance of bonds and levy of tax in payment for such improvements and the levying and collecting of taxes for payment of such bonds, and interest thereon; authorizing the appointment of directors of such water control and preservation districts and defining their duties and powers; granting the right of eminent domain to such water control and preservation districts, authorizing the directors of such districts to acquire by purchase, gift or grant, for such district, title to any right of way and other property necessary for the purposes of such districts; granting a right of way over all public lands in the State necessary to effectuate the purposes of such district; authorizing the conveyance of any property acquired to the United States for certain purposes; authorizing the directors to employ an engineer, manager and other employees, to employ counsel to enter into contract for such improvements; to agree or cooperate with the government of the United States, the proper department or officer thereof, for the carrying out of such improvements or the supervision of same, and for all things necessary for the maintenance of such districts according to the provisions of this act; providing for entering upon lands for surveys and for all purposes of this act; and providing for penalties for preventing or prohibiting such entry upon lands; providing for the selection of depositories; authorizing the directors to issue bonds in amount sufficient to cover the cost of the proposed improvements, the expenses incident thereto and expenses necessarily incurred in connection with the creation and establishment of such districts, the amount of said bonds not to exceed the amount authorized by the election; requiring the directors to levy a tax upon all taxable property within the district to pay the interest on such bonds, together with an additional amount to be placed in a sinking fund sufficient to pay the bonds

at maturity; to levy and cause to be assessed taxes sufficient in amount to pay for the expense of assessing and collecting such taxes, for the expenses incident to the maintenance of the district and for the maintenance, operation and repair of such improvements; requiring the commissioners court of the county or counties within which the district is situated to order the county tax assessor to assess all property within such district, lying within the county, and list the same for taxation; providing the method of assessment and a penalty for the failure of any tax assessor to comply with the order of the commissioners court to so assess; providing the remedy by mandamus in the event any commissioners court should fail or refuse to order the county tax assessor to assess said property; requiring the tax collector of the counties in which such district is situated to collect the taxes for said district within his county; providing for the commissioners court to require an additional bond or security from such tax collectors; providing for the method of collecting the taxes, the bringing of suits for collection of delinquent taxes and the enforcement of tax liens created by this act; providing penalties for failure or refusal of tax collectors to give additional bond or security or to collect the taxes; providing when taxes shall mature and be paid and penalties for failure to pay same within the required time; providing for reports by district depositories and by board of directors; providing for the filing of suits to establish the validity of such districts and of the bonds; fixing the venues and procedure in such actions and the effect of such judgments; providing for the registration of the bonds of such districts by the Comptroller of the State; providing for the sale of such bonds; prohibiting suit brought in any court of the State contesting or enjoining the validity of the formation of any district or the bonds except in the name of the State of Texas by the Attorney General upon his own motion or upon the motion of any party affected thereby; providing the method of paying out funds of said district, providing for two or more districts undertaking joint projects; providing generally a complete system for the establishment of such districts and the government of same; authorizing the directors to invest the sinking fund, and declaring such districts defined districts within the meaning of the Constitution; repealing all laws and parts of laws in

conflict herewith, and declaring an emergency."

Referred to Committee on Irrigation.

By Mr. Davis of Van Zandt:

H. B. No. 20, A bill to be entitled "An Act to amend Articles 7427, 7428, 7429 and 7430, Title 126, Chapter 5, Revised Civil Statutes, which fix occupation taxes on wholesale and retail liquor dealers; defining wholesale and retail liquor and malt dealers, and declaring that no person, firm, or corporation shall sell intoxicating liquors in any quantity at wholesale without first having paid the prescribed tax, or at retail without having qualified as retail liquor dealers, or retail malt dealers; repealing Article 7431, Chapter 5, Title 126, Revised Civil Statutes, and declaring an emergency."

Referred to Committee on Liquor Traffic.

By Mr. De Bogory:

H. B. No. 21, A bill to be entitled "An Act to appropriate \$2000 as a fund to the Agricultural and Mechanical College at Bryan, Texas, for the purpose of experimenting and treatment of the plant Yucca Filamentosa, with the view of preparing same for stock food; this plant being in great abundance in the drouth stricken section of the State, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Swope, and others:

H. B. No. 22, A bill to be entitled "An Act to prohibit and bar the sale of intoxicating liquors within ten miles of any camp, cantonment, field, school or other place where soldiers are trained in time of war for service in the United States Army, Navy, Marine Corps and Aviation Department, and providing penalties for violation of the provisions of this act, and declaring an emergency."

Referred to Committee on Liquor Traffic.

RESIGNATION OF ENROLLING CLERK.

The Speaker stated that he had received the resignation of J. T. Robison as Enrolling Clerk of the House.

Mr. Cope then nominated Mrs. J. T. Robison for Enrolling Clerk.

Mr. Mendell moved that nominations be closed and that the Chief Clerk of the House be instructed to cast the vote of the House for Mrs. J. T. Robison for Enrolling Clerk.

Mr. Bledsoe moved that further con-

sideration of the question be postponed until 10 o'clock a. m. tomorrow.

The motion prevailed.

The Speaker then stated that he would withhold acceptance of the resignation of J. T. Robison until 10 o'clock a. m. tomorrow if there was no objection offered.

There was no objection offered.

PROVIDING FOR GROUP PICTURE OF NEW MEMBERS.

Mr. Mendell offered the following resolution:

Whereas, The present Called Session is honored by the presence of several new members, whose likeness does not appear in the legislative picture of immortals, and no good reason exists why they should not; therefore, be it

Resolved, That all the new members of this House at once have their pictures taken and said pictures be grouped and hung on the wall at the top of the group picture of the Thirty-fifth House, that if any expense is attached to the matter that same be paid out of the contingent expense fund of the House.

The resolution was read second time and was adopted.

INVITING OFFICERS OF OKLAHOMA TO ADDRESS THE HOUSE.

Mr. McMillin offered the following resolution:

Whereas, A State Depository Law is now being considered by the Banking Committee of this House; and

Whereas, The Depository Law of the State of Oklahoma in the year and half of its operation has netted to the taxpayers of that State approximately \$300,000; and

Whereas, It is desirable that our Committee on Banking and the members of the House should have all possible information on this subject, therefore be it

Resolved, That the Hon. W. J. Alexander, State Treasurer of Oklahoma, and Hon. O. J. Logan, State Senator of Oklahoma, who are the authors and executors of the depository law of that State, be invited to address this House at their earliest convenience on the features and operation of the Oklahoma Depository Law.

The resolution was read second time and was adopted.

PROVIDING POSTOFFICE BOX RENT.

Mr. Bedell offered the following resolution:

Resolved, That each member of the

House be allowed postoffice box rent to be paid out of the contingent expense fund of the House.

The resolution was read second time and was adopted.

HOUSE JOINT RESOLUTION NO. 1 ON ENGROSSMENT.

The Speaker laid before the House, as a special order for this hour on its passage to engrossment,

H. J. R. No. 1, Ratifying an amendment to the Constitution of the United States of America, passed by the Sixty-fifth Congress of the United States of America at its Second Session, which amendment provides in substance that one year after the ratification of the amendment the manufacture, sale or transportation of intoxicating liquors within, the importation thereof, into, or the exportation thereof, from the United States and all territory subject to the jurisdiction thereof, for beverage purposes is prohibited; that Congress and the several States shall have concurrent power to enforce this article by appropriate legislation, and providing further that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution within seven years from the date of submission to the States by Congress.

The resolution having been read second time on yesterday.

Mr. Cox of Ellis offered the following amendment to the resolution:

Amend House Joint Resolution No. 1 by striking out all of Section 1 after the word "Congress" in subsection 3 of said section and substituting therefor the following: "Be and the same is hereby submitted to the qualified voters of the State of Texas at the general election in November, 1918, for ratification or rejection; that there shall be a ballot box prepared at each polling place for the depositing of ballots on this amendment and such ballot box shall be under the supervision and control of the regular election officers; that each voter shall have printed or written on his ballot 'For the ratification of the National prohibition amendment,' if such voter shall favor such amendment, and shall have printed or written 'Against the ratification of the National amendment,' if he shall oppose such amendment.

Mr. Bledsoe moved to table the amendment.

Mr. Terrell raised a point of order on consideration of the amendment on

the ground that it is not germane to the purpose of the resolution.

The Speaker sustained the point of order as follows:

The gentleman from Ellis, Mr. Cox, sends up an amendment, the subject of which is that the question be submitted to the people for their ratification or rejection.

The gentleman from Cherokee raised the point of order that the amendment sent up by the gentleman from Ellis is not germane.

The gentleman from Childress, Mr. Cope, further raised the point of order against the amendment sent up by the gentleman from Ellis, for the reason that said proposed amendment sent up by the gentleman from Ellis is "legislation," and that the resolution before the House is not classed as "legislation," and therefore the amendment sent up by the gentleman from Ellis is not germane to the resolution under consideration.

The Chair wishes to state that the amendment sent up by the gentleman from Ellis, Mr. Cox, changes the entire purpose of the resolution. The purpose of the amendment sent up by the gentleman from Ellis is to submit this question to the people. The resolution is now before us for our ratification or rejection. There is no question but that the amendment sent up by the gentleman from Ellis changes the whole purpose of this resolution; then, if it does, it is not germane and the Chair would be compelled to hold that it was not germane. Without discussing the question as to whether or not it should be submitted to the people for their ratification or rejection, it is not within the province of the Chair to determine an equitable matter and to say as a matter of right or a matter of equity what should be done, but it is the duty of the Chair to pass upon the law question, and as a matter of parliamentary law the Chair is of the opinion that the amendment sent up by the gentleman from Ellis is out of order.

Mr. Tillotson raised the following point of order on consideration of the resolution by the House:

Mr. Speaker: I raise the point of order against the further consideration of this resolution proposing to ratify the amendment to the Federal Constitution providing for nation-wide prohibition; that the adoption of the resolution by the Texas Legislature would constitute an enlargement of the consti-

tutional powers of the United States; and that such action in the ratification of the proposed amendment would represent the relinquishment by the State of a part of its constitutional powers, corresponding precisely to the degree, manner and form in which the powers of the Federal government are increased; that the action of the Legislature in the ratification of the proposed Federal amendment would be a legislative act binding the State irrevocably, and impart to its act the force of law; that in the policy of the Constitutions of the nation and the State these acts which impart the force of law to a legislative act come within the purview of legislation under our constitutional construction; that being a legislative act binding upon the State and intended to have the full force and effect of law the action requires the approval of the executive branch of the State government to give to it such full force of law intended; that our Constitution, requiring the approval of the executive branch of the State to give legislation the effect of law, brings such legislation within the restrictions of the Constitution concerning the consideration of legislative action to which is given the force of law, and that it is not competent for the Legislature to consider the proposed Federal amendment without submission by the Governor.

The Speaker overruled the point of order, as follows:

The Federal Constitution provides two methods by which amendments may be adopted, one by the convention system and the other to be ratified by two-thirds of the States. The Constitution of the United States makes no reference as to whether it shall be in special or regular session of the Legislature.

Members of the Legislature are the representatives of the people and are responsible to them with reference to their acts, and the people are bound by the acts of the Legislature. The members of the Legislature are not bound by the expressed will of the people; however, they should in all things be bound and should consider themselves so, but in the matter before us, legally speaking, so far as the ratification of this amendment is concerned, so far as its legal effect is concerned, it would give it no strength to submit the question to the people for their ratification; that is to say, that if this question was submitted to the people and

that they were to say by their votes that they were opposed to the ratification of this amendment, and if some succeeding Legislature within the prescribed time should adopt the amendment, it would to all intents and purposes be in full force and effect.

The Chair desires to be understood as not opposing the will of the masses, but at the same time the history of the world has shown that the best government is a representative form of government. That is the form of government that we have today in this State and in this nation, and the Chair believes that the membership of this House is fully capable of reflecting the sentiment of the various districts of this State, and that an expression upon this question by this Legislature will be an expression by the people of this State upon this question; therefore, we overrule the point of order.

(Mr. Bledsoe in the chair.)

Mr. Stewart moved the previous question on engrossment of the resolution and the main question was ordered.

(Speaker in the chair.)

House Joint Resolution No. 1 was then passed to engrossment.

Mr. Thomason of El Paso moved to reconsider the vote by which the resolution was passed to engrossment.

The motion to reconsider prevailed.

Mr. Thomason of El Paso then moved to reconsider the vote by which the main question was ordered.

The motion to reconsider prevailed.

The motion for the previous question was then withdrawn.

Question—Shall House Joint Resolution No. 1 be passed to engrossment?

(Mr. Terrell in the chair.)

BILLS SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 1, "An Act appropriating \$60,000 to pay mileage and per diem of members and salaries of officers and employes of the Fourth Called Session of the Thirty-fifth Legislature, and declaring an emergency."

H. B. No. 2, "An Act appropriating \$16,000 for contingent expenses of the Fourth Called Session of the Thirty-fifth Legislature, and declaring an emergency."

S. C. R. No. 1, Adopting Joint Rules.

S. C. R. No. 2, Inviting Hon. W. J. to address the Legislature.

RECESS.

On motion of Mr. Murrell, the House at 12 o'clock m., took recess to 2:30 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2:30 o'clock p. m. and was called to order by the Speaker.

HOUSE JOINT RESOLUTION NO. 1
ON ENGROSSMENT.

The House resumed consideration of pending business, same being House Joint Resolution No. 1, Ratifying an amendment to the Constitution of the United States relating to the manufacture, sale or transportation of intoxicating liquors in the United States, on its passage to engrossment.

Pending consideration of the resolution, Mr. Cope occupied the chair temporarily.

(Speaker in the chair.)

Mr. Miller of Dallas moved the previous question on engrossment of the resolution and the main question was ordered.

Question then recurring on engrossment of the resolution, yeas and nays were demanded.

The resolution was passed to engrossment by the following vote:

Yeas—73.

Mr. Speaker.	Holaday.
Beard.	Johnson of Ellis.
Beasley.	Jones.
Bedell.	King.
Bell.	Lee.
Bennette.	McComb.
Bertram.	McCord.
Blackburn.	McCoy.
Blackmon.	McDowra.
Bledsoe.	McMillin.
Bryan.	Mendell.
Burton of Rusk.	Metcalfe.
Butler.	Monday.
Cadenhead.	Morris.
Carlock.	Murphy.
Clark.	Murrell.
Cope.	Neill.
Cox of Bee.	O'Banion.
Davis of Dallas.	Osborne.
Davis of Harris.	Poage.
Davis	Raiden.
of Van Zandt.	Reeves.
De Bogory.	Richards.
Dodd.	Rogers.
Estes.	Sackett.
Fairchild.	Sentell.
Ford.	Seawright.

Smith of Bastrop.	Thomason
Smith of Hopkins.	of Nacogdoches.
Smith of Scurry.	Thompson
Spencer.	of Hunt.
Sneed.	Tilson.
Stewart.	Tinner.
Stephens.	Upchurch.
Templeton.	Vaughan.
Terrell.	Veatch.
Thomason	Williford.
of El Paso.	Woods.
	Yantis.

Nays—36.

Atlee.	Lanier.
Bass.	Lindemann.
Bland.	McFarland.
Brown.	Mathis.
Cates.	Miller of Austin.
Cox of Ellis.	Miller of Dallas.
Denton.	Moore.
Dunnam.	Nordhaus.
Fly.	Peyton.
Greenwood.	Pillow.
Haidusek.	Roemer.
Hardey.	Sallas.
Harris.	Schlesinger.
Holland.	Spradley.
Johnson of Blanco.	Taylor.
Laas.	Tillotson.
Lackey.	Wahrmond.
Lange.	White.

Present—Not Voting.

O'Brien.

Absent.

Bagby.	Sholars.
Beason.	Strayhorn.
Burton of Tarrant.	Swope.
Canales.	Valentine.
Davis of Grimes.	Williams
Hill.	of Brazoria.
Lacey.	Wilson.
Schlosshan.	

Absent—Excused.

Crudgington.	Thomas.
Hudspeth.	Thompson
Laney.	of Red River.
Lowe.	Traylor.
Meador.	Walker.
Parks.	Williams
Pope.	of McLennan.
Robertson.	

Paired.

Mr. Dudley (present), who would vote "nay," with Mr. Baker (absent), who would vote "yea."

Reasons for Vote.

I vote "nay" on the question of the ratification of the amendment because I believe:

First, the Legislature, under Article 3,

Section 40, of the Constitution of the State of Texas, has not the power to go into any legislative matters other than those designated by the Governor in his proclamation or presented by him during such Special Session. There is no question in my mind but that this is a legislative matter and within the meaning of the above section and article of the Constitution, because it requires a positive act on the part of the Legislature, which act is a part of the process necessary to enact this amendment into law.

Secondly, and primarily, I vote "nay" because the people of the State have not yet had the opportunity to express their views on the subject.

It is not within the power of the Legislature to enact into law an amendment to our State Constitution without first submitting it to a vote of the people for their ratification or rejection.

Why then, should the Legislature take upon itself the power reserved to the people, and without giving them a voice in the matter, engraft into the organic law of the land, an amendment, the far-reaching effects of which strike at the basic principles upon which our Republic was founded.

LANGE.

I vote "nay" for the reason the State only has the power to control its internal policy as to all questions that affect its people and their interests. The cession of its rights is an abrogation of the State's rights and a surrender of its sovereignty as a State. The surrender of the sovereignty is abolition of State's sovereignty in Texas and cedes the right to the Federal Government to dominate Texas. The abolition of State's rights in any reserved right of sovereignty is destruction of representative democracy and constitutional government.

CATES.

I vote "yea" for the reason that I am voicing the sentiments of the people of my county. I regard the question as a police regulation, and after the Supreme Court of the United States has upheld the constitutionality of the Child Labor Act, and the regulation of railroads within the State, and the sale of drugs, and when Virginia, Mississippi, Kentucky and Maryland vote to ratify, as they have done, the question of preserving the South, on the question of State rights, no longer has a basis for sound logic.

No Democrat desires the return of slavery, yet our forefathers died for the right to control the affairs of their States, and the time will come when those who voted to ratify this amendment will receive the plaudits of those who opposed it.

I also believe that this amendment, if adopted, will make the Nation "bone dry" without convenient loopholes.

MENDELL.

Having fought in the Confederate Army in the defense of State rights, and believing that the further invasion of the rights of the States to be dangerous, I cannot at this late day change my views. I therefore vote "nay" on House Joint Resolution No. 1.

TAYLOR.

I vote "nay" on engrossment of House Joint Resolution No. 1 for these reasons:

I am opposed to the amendment from principle. I believe the question should be submitted to the people before passing on it by their Representatives. I am opposed to it because it is destructive of State Rights. I believe each State should regulate its own police powers. It can bring no relief at this time, if ever, because it will not be ratified by the necessary thirty-six (36) States under four to seven years, if ever. Long before that time Texas will be bone-dry by her own laws. It will be only a few days until we pass the ten-mile zone bill, and also statutory prohibition (both of which I am supporting). I favor nation-wide prohibition, but it should come through the States.

PEYTON.

Reason for Not Voting.

I decline to vote on this resolution because it not only permits the Federal Government to regulate those internal affairs of the State which it has the right and is fully competent to regulate, but it also takes from the individual citizen his inalienable right to determine for himself what he shall drink or use, and without first giving him an opportunity of voting or being heard upon the proposition. At the time of my election no such measure was in contemplation by my constituency and they have never had an opportunity of instructing me as to whether or not they desire to thus curtail their individual and their State's rights by conceding to the Federal Government powers which have heretofore

been withheld from it. I feel that in order that the people can make their wishes known this important matter should be deferred until after the next election. As a citizen I would vote for the resolution, but as an uninstructed representative I can not, under existing circumstances, assume that responsibility.

O'BRIEN.

I do not vote on House Joint Resolution No. 1 because, while I recognize the fact that this Legislature has the authority, I do not believe that we have either the moral or the political right to take any action whatsoever thereon. I believe that the people of this State should speak before we act. I therefore, knowing that I have no instruction on this question from the people of my district nor from the people of the State at large, refuse to take part in the adoption or rejection of this resolution.

BEASON.

Mr. Cope moved to reconsider the vote by which House Joint Resolution No. 1 was passed to engrossment and to table the motion to reconsider.

The motion to table prevailed.

BILL ORDERED NOT PRINTED.

On motion of Mr. De Bogory it was ordered that House bill No. 21 be not printed.

HOUSE BILL NO. 21 ON SECOND READING.

Mr. De Bogory moved to suspend the constitutional rule requiring bills to be read on three several days in each house and that House bill No. 21 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—98.

Mr. Speaker.	Carlock.
Atlee.	Cates.
Bass.	Clark.
Bedell.	Cope.
Bell.	Cox of Bee.
Bennette.	Davis of Dallas.
Blackburn.	Davis of Harris.
Blackmon.	Davis
Bland.	of Van Zandt.
Bledsoe.	De Bogory.
Brown.	Dudley.
Bryan.	Fairchild.
Burton of Rusk.	Fly.
Butler.	Ford.
Cadenhead.	Greenwood.

Haidusek.	Richards.
Hardey.	Roemer.
Holland.	Rogers.
Holaday.	Sackett.
Johnson of Blanco.	Sallas.
Johnson of Ellis.	Sentell.
Jones.	Schlesinger.
King.	Schlosshan.
Laas.	Seawright.
Lackey.	Smith of Bastrop.
Lange.	Smith of Hopkins.
Lanier.	Smith of Scurry.
Lindemann.	Spencer.
McComb.	Spradley.
McCord.	Sneed.
McCoy.	Stewart.
McDowra.	Stephens.
McFarland.	Taylor.
McMillin.	Templeton.
Mathis.	Terrell.
Mendell.	Thomason
Metcalfe.	of El Paso.
Miller of Austin.	Thomason
Miller of Dallas.	of Nacogdoches.
Monday.	Thompson
Morris.	of Hunt.
Murphy.	Tillotson.
Neill.	Tilson.
Nordhaus.	Tinner.
O'Banion.	Upchurch.
O'Brien.	Veatch.
Osborne.	Wahrmund.
Peyton.	White.
Pillow.	Williford.
Poage.	Woods.
Raiden.	Yantis.
Reeves.	

Nays—10.

Beard.	Estes.
Beasley.	Harris.
Bertram.	Lee.
Cox of Ellis.	Murrell.
Dunnam.	Vaughan.

Present—Not Voting.

Moore.

Absent.

Bagby.	Lacey.
Beason.	Sholars.
Burton of Tarrant.	Strayhorn.
Canales.	Swope.
Davis of Grimes.	Valentine.
Denton.	Williams
Dodd.	of Brazoria.
Hill.	Wilson.

Absent—Excused.

Baker.	Robertson.
Crudgington.	Thomas.
Hudspeth.	Thompson
Laney.	of Red River.
Lowe.	Traylor.
Meador.	Walker.
Parks.	Williams
Pope.	of McLennan.

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 21, A bill to be entitled "An Act to appropriate two thousand dollars, as a fund to the Agricultural and Mechanical College at Bryan, Texas, for the purpose of experimenting and treatment of the plant *Yucca Filamentosa*, with the view of preparing same for stock food, this plant being in great abundance in the drouth stricken section of the State, and providing an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 21 ON THIRD READING.

The Speaker then laid House bill No. 21 before the House on its third reading and final passage.

The bill was read third time.

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—96.

Mr. Speaker.	Jones.
Atlee.	King.
Bass.	Laas.
Beason.	Lackey.
Bedell.	Lange.
Bell.	Lanier.
Bennette.	Lindemann.
Blackburn.	McComb.
Blackmon.	McCoy.
Bland.	McDowra.
Bledsoe.	McFarland.
Brown.	McMillin.
Burton of Rusk.	Mathis.
Butler.	Mendell.
Cadenhead.	Metcalfe.
Carlock.	Miller of Austin.
Cope.	Miller of Dallas.
Cox of Bee.	Monday.
Davis of Dallas.	Morris.
Davis of Harris.	Murphy.
Davis	Neill.
of Van Zandt.	O'Banion.
De Bogory.	O'Brien.
Dodd.	Osborne.
Dudley.	Parks.
Dunnam.	Pillow.
Estes.	Poage.
Fairchild.	Raiden.
Fly.	Reeves.
Ford.	Roemer.
Greenwood.	Rogers.
Haidusek.	Sackett.
Hardey.	Sallas.
Holland.	Sentell.
Holaday.	Schlesinger.
Johnson of Blanco.	Schlosshan.
Johnson of Ellis.	Seawright.

Smith of Bastrop.	Thomason
Smith of Hopkins.	of Nacogdoches.
Smith of Scurry.	Thompson
Spencer.	of Hunt.
Spradley.	Tillotson.
Sneed.	Tilson.
Stewart.	Tinner.
Stephens.	Upchurch.
Swope.	Veatch.
Taylor.	Wahrmund.
Templeton.	White.
Terrell.	Williford.
Thomason	Woods.
of El Paso.	Yantis.

Nays—11.

Beard.	Lee.
Beasley.	McCord.
Bertram.	Moore.
Bryan.	Peyton.
Cox of Ellis.	Vaughan.
Harris.	

Absent.

Bagby.	Lacey.
Burton of Tarrant.	Murrell.
Canales.	Nordhaus.
Cates.	Richards.
Clark.	Sholars.
Crudgington.	Strayhorn.
Davis of Grimes.	Valentine.
Denton.	Williams
Hill.	of Brazoria.

Absent—Excused.

Baker.	Thompson
Hudspeth.	of Red River.
Laney.	Traylor.
Lowe.	Walker.
Meador.	Williams
Pope.	of McLennan.
Robertson.	Wilson.
Thomas.	

Mr. De Bogory moved to reconsider the vote by which House bill No. 21 was passed and to table the motion to reconsider.

The motion to table prevailed.

PROVIDING POSTAGE FOR COMMITTEE ON CONTINGENT EXPENSES.

Mr. Cope offered the following resolution:

Resolved, That the Committee on Contingent Expenses be allowed postage for the official correspondence of the committee in an amount not to exceed \$5, and that the same be paid out of the contingent expense fund.

The resolution was read second time and was adopted.

ADJOURNMENT.

On motion of Mr. Wahrmund, the

House, at 4:15 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

REPORTS OF COMMITTEE ON LIQUOR TRAFFIC.

Committee Room,
Austin, Texas, February 27, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Liquor Traffic, to whom was referred House bill No. 4, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass, and that House bill No. 8 be substituted therefor.

McMILLIN, Chairman.

Committee Room,
Austin, Texas, February 27, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Liquor Traffic, to whom was referred House bill No. 3, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass, and that House bill No. 9 be substituted therefor.

McMILLIN, Chairman.

Committee Room,
Austin, Texas, February 27, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Liquor Traffic, to whom was referred House bill No. 6, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass.

McMILLIN, Chairman.

Committee Room,
Austin, Texas, February 27, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Liquor Traffic, to whom was referred House bill No. 5, have had the same under consideration and I am instructed to report

it back to the House with the recommendation that it do not pass.

McMILLIN, Chairman.

Committee Room,
Austin, Texas, February 27, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Liquor Traffic, to whom was referred House bill No. 8, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Bledsoe has been appointed to make a full report thereon.

McMILLIN, Chairman.

Committee Room,
Austin, Texas, February 27, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Liquor Traffic, to whom was referred House bill No. 11, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Cope has been appointed to make a full report thereon.

McMILLIN, Chairman.

Committee Room,
Austin, Texas, February 27, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Liquor Traffic, to whom was referred House bill No. 10, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Cope has been appointed to make a full report thereon.

McMILLIN, Chairman.

Committee Room,
Austin, Texas, February 27, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Liquor Traffic, to whom was referred House bill No. 13, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Cope has been appointed to make a full report thereon.

McMILLIN, Chairman.

REPORTS OF COMMITTEE ON CRIMINAL JURISPRUDENCE.

Committee Room,
Austin, Texas, February 28, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred House bill No. 14, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass. Mr. McCord has been appointed to make a full report thereon.

McCOY, Acting Chairman.

Committee Room,
Austin, Texas, February 28, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred House bill No. 7, have had same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

McCOY, Acting Chairman.

REPORT OF COMMITTEE ON AGRICULTURE.

Committee Room,
Austin, Texas, February 28, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Agriculture, to whom was referred House bill No. 18, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass. Mr. McDowra has been appointed to make a full report thereon.

METCALFE, Vice-Chairman.

REPORT OF COMMITTEE ON STOCK AND STOCK RAISING.

Committee Room,
Austin, Texas, February 28, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Stock and Stock Raising, to who was referred House bill No. 21, have had same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

McFARLAND, Chairman.

REPORTS OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, February 28, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1, A bill to be entitled "An Act making appropriation to pay the per diem and mileage of members and per diem of officers and employes of the Fourth Called Session of the Thirty-fifth Legislature of the State of Texas, convened on the 26th day of February, 1918, by proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 11:23 o'clock a. m., presented same to the Governor for his approval.

McCOY, Chairman.

Committee Room,
Austin, Texas, February 28, 1918.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 2, A bill to be entitled "An Act making appropriation of the sum of sixteen thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the Fourth Called Session of the Thirty-fifth Legislature of the State of Texas, convened February 26, 1918, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Have carefully compared same, and find it correctly enrolled, and have this day, at 11:23 o'clock a. m., presented same to the Governor for his approval.

McCOY, Chairman.

FOURTH DAY.

(Friday, March 1, 1918.)

The House met at 10 o'clock a. m. pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following members were present:

Atlee.	Beard.
Bagby.	Beasley.
Bass.	Beason.